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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,522	03/29/2004	Walter Forrest Frantz	BOI - 0016US	1935
27113 7590 01/29/2007 PATENT ADMINISTRATION INTELLECTUAL PROPERTY BUSINESS 15460 LAGUNA CANYON ROAD MC 1650-7006 IRVINE, CA 92618			EXAMINER COLLINS, TIMOTHY D	
			ART UNIT	PAPER NUMBER
			3643	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/29/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/811,522

Applicant(s)

FRANTZ ET AL.

Examiner

Timothy D. Collins

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-21,23,25 is/are rejected.
- 7) ☒ Claim(s) 22 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

While delay in the prosecution of this case is regrettable, upon further review and consideration the allowance of the case has been withdrawn in the previous action sent to the applicant and a new grounds of NON-FINAL rejection are made hereinafter.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 19-21,23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4213593 to Weik (hereinafter called 593).

a. Re claim 19, 593 discloses a track locking assembly for an aircraft seat: The aircraft inherently has a fuselage, airframe and propulsion system of some sort. Also a floor assembly with floor panel (see fig. 3, on which the rug 57 rests) and an elongated support 22 having a support surface (bottom of track) engaged with the floor panel, the elongated support including an engagement member having apertures 30. A component (seat) having a support member 12 proximate the floor. An interface assembly Figures 4-6 including a base 90 engaged with the engagement member, a pair of clamp arms having a primary member 78 and finger 76 projecting outwardly from the primary member and engaged with a second surface of the engagement member, each clamp arm can

be inserted through the vertical openings 30 (col. 2 lines 63-67). The clamp arms are movable relative to the engagement member where the arms are extractable through the openings and a secured position when the arms are not extractable from the openings figure 4. A support arm coupled to the base and movable between a first position wherein the arms are unsecured and a second position where the arms are secured in figure 4, column 3 lines 1-15. Also a lug member is seen in number 62.

b. Re claim 20, 593 discloses that the arms project toward one another in that the fingers 76 as seen in figure 5 and 6 are seen to project in a fashion toward each other and engaging a portion of the engagement member between the apertures as seen in figure 5 and 6.

c. Re claim 21, 593 discloses that the arms project in the same direction in at least that they are semicircular and that on a radius they point in the same direction.

d. Re claim 23, 593 discloses that the arms project in opposite directions in at least that they are semicircular and that on a radius they point in opposite directions.

e. Re claim 25, 593 discloses that the component is a seat which is an article of furniture.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear from the claim whether the applicant intends the claim to be a Markush type claim and if so the claim must be fixed to further comply with the Markush style. Therefore the examiner takes the claim to mean that one of the items is needed and that the 3rd to last word is intended to be an "or", for the purposes of examination.

Allowable Subject Matter

5. Claims 22 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art below is EXTREMELY RELEVANT to the claims at hand.


- f. US 3306234
- g. US 3652050
- h. US 4449875
- i. US 4230432

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy D. Collins whose telephone number is 571-272-6886. The examiner can normally be reached on M-F, 7:00-3:00, with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Timothy D. Collins
Primary Examiner
Art Unit 3643

1/24/07